

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 46

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Bernadette M. Sanchez

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE  
AND THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING SCHOOL DISTRICTS TO  
PROVIDE FOR INDUSTRY-TAUGHT OR -GUIDED PRE-APPRENTICESHIP  
PROGRAMS FOR QUALIFIED HIGH SCHOOL STUDENTS; PROVIDING FOR  
APPROVAL OF PRE-APPRENTICESHIP PROGRAMS, PROVIDERS AND INDUSTRY  
INSTRUCTORS; EXEMPTING INDUSTRY INSTRUCTORS FROM LICENSURE  
PROVISIONS; PROVIDING POWERS AND DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986,  
Chapter 33, Section 5, as amended) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each  
student shall prepare an interim next-step plan that sets forth  
the coursework for the grades remaining until high school  
graduation. Each year's plan shall explain any differences

.174149.1

underscored material = new  
[bracketed material] = delete

1 from previous interim next-step plans, shall be filed with the  
2 principal of the student's high school and shall be signed by  
3 the student, the student's parent and the student's guidance  
4 counselor or other school official charged with coursework  
5 planning for the student.

6 B. Each student must complete a final next-step  
7 plan during the senior year and prior to graduation. The plan  
8 shall be filed with the principal of the student's high school  
9 and shall be signed by the student, the student's parent and  
10 the student's guidance counselor or other school official  
11 charged with coursework planning for the student.

12 C. An individualized education program that meets  
13 the requirements of Subsections A and B of this section and  
14 that meets all applicable transition and procedural  
15 requirements of the federal Individuals with Disabilities  
16 Education Act for a student with a disability shall satisfy the  
17 next-step plan requirements of this section for that student.

18 D. A local school board shall ensure that each high  
19 school student has the opportunity to develop a  
20 next-step plan based on reports of college and workplace  
21 readiness assessments, as available, and other factors and is  
22 reasonably informed about:

23 (1) curricular and course options, including  
24 honors or advanced placement courses, dual-credit courses,  
25 distance learning courses, career clusters, pre-apprenticeship

underscored material = new  
[bracketed material] = delete

1 programs or remediation programs that the college and workplace  
2 readiness assessments indicate to be appropriate;

3 (2) opportunities available that lead to  
4 different post-high-school options; and

5 (3) alternative opportunities available if the  
6 student does not finish a planned curriculum.

7 E. The secretary shall:

8 (1) establish specific accountability  
9 standards for administrators, counselors, teachers and school  
10 district staff to ensure that every student has the opportunity  
11 to develop a next-step plan;

12 (2) promulgate rules for accredited private  
13 schools in order to ensure substantial compliance with the  
14 provisions of this section;

15 (3) monitor compliance with the requirements  
16 of this section; and

17 (4) compile such information as is necessary  
18 to evaluate the success of next-step plans and report annually,  
19 by December 15, to the legislative education study committee  
20 and the governor.

21 F. Successful completion of a minimum of twenty-  
22 three units aligned to the state academic content and  
23 performance standards shall be required for graduation. These  
24 units shall be as follows:

25 (1) four units in English, with major emphasis

.174149.1

underscored material = new  
[bracketed material] = delete

1 on grammar and literature;

2 (2) three units in mathematics, at least one  
3 of which is equivalent to the algebra 1 level or higher;

4 (3) two units in science, one of which shall  
5 have a laboratory component; provided, however, that with  
6 students entering the ninth grade beginning in the 2005-2006  
7 school year, three units in science shall be required, one of  
8 which shall have a laboratory component;

9 (4) three units in social science, which shall  
10 include United States history and geography, world history and  
11 geography and government and economics;

12 (5) one unit in physical education;

13 (6) one unit in communication skills or  
14 business education, with a major emphasis on writing and  
15 speaking and that may include a language other than English;

16 (7) one-half unit in New Mexico history for  
17 students entering the ninth grade beginning in the 2005-2006  
18 school year; and

19 (8) nine elective units and seven and one-half  
20 elective units for students entering the ninth grade in the  
21 2005-2006 school year that meet department content and  
22 performance standards. Student service learning shall be  
23 offered as an elective. Financial literacy shall be offered as  
24 an elective. Pre-apprenticeship programs may be offered as  
25 electives.

.174149.1

1           G. For students entering the ninth grade beginning  
2 in the 2009-2010 school year, at least one of the units  
3 required for graduation shall be earned as an advanced  
4 placement or honors course, a dual-credit course offered in  
5 cooperation with an institution of higher education or a  
6 distance learning course.

7           H. The department shall establish a procedure for  
8 students to be awarded credit through completion of specified  
9 career technical education courses for certain graduation  
10 requirements.

11           I. Successful completion of the requirements of the  
12 New Mexico diploma of excellence shall be required for  
13 graduation for students entering the ninth grade beginning in  
14 the 2009-2010 school year. Successful completion of a minimum  
15 of twenty-four units aligned to the state academic content and  
16 performance standards shall be required to earn a New Mexico  
17 diploma of excellence. These units shall be as follows:

18                   (1) four units in English, with major emphasis  
19 on grammar, nonfiction writing and literature;

20                   (2) four units in mathematics, of which one  
21 shall be the equivalent to or higher than the level of algebra  
22 2, unless the parent submitted written, signed permission for  
23 the student to complete a lesser mathematics unit;

24                   (3) three units in science, two of which shall  
25 have a laboratory component;

1 (4) three and one-half units in social  
2 science, which shall include United States history and  
3 geography, world history and geography and government and  
4 economics, and one-half unit of New Mexico history;

5 (5) one unit in physical education;

6 (6) one unit in one of the following:  
7 a career cluster course, workplace readiness or a language  
8 other than English; and

9 (7) seven and one-half elective units that  
10 meet department content and performance standards. Student  
11 service learning shall be offered as an elective. Financial  
12 literacy shall be offered as an elective. Pre-apprenticeship  
13 programs may be offered as electives.

14 J. Final examinations shall be administered to all  
15 students in all classes offered for credit.

16 K. Until July 1, 2010, a student who has not passed  
17 a state graduation examination in the subject areas of reading,  
18 English, mathematics, writing, science and social science shall  
19 not receive a high school diploma. The state graduation  
20 examination on social science shall include a section on the  
21 constitution of the United States and the constitution of New  
22 Mexico. If a student exits from the school system at the end  
23 of grade twelve without having passed a state graduation  
24 examination, the student shall receive an appropriate state  
25 certificate indicating the number of credits earned and the

1 grade completed. If within five years after a student exits  
2 from the school system the student takes and passes the state  
3 graduation examination, the student may receive a high school  
4 diploma.

5 L. Beginning with the 2010-2011 school year, a  
6 student shall not receive a New Mexico diploma of excellence if  
7 the student has not demonstrated competence in the subject  
8 areas of mathematics, reading and language arts, writing,  
9 social studies and science, including a section on the  
10 constitution of the United States and the constitution of New  
11 Mexico, based on a standards-based assessment or assessments or  
12 a portfolio of standards-based indicators established by the  
13 department by rule. The standards-based assessments required  
14 in Section 22-2C-4 NMSA 1978 may also serve as the assessment  
15 required for high school graduation. If a student exits from  
16 the school system at the end of grade twelve without having  
17 satisfied the requirements of this subsection, the student  
18 shall receive an appropriate state certificate indicating the  
19 number of credits earned and the grade completed. If within  
20 five years after a student exits from the school system the  
21 student satisfies the requirement of this subsection, the  
22 student may receive a New Mexico diploma of excellence.

23 M. As used in this section:

24 (1) "final next-step plan" means a next-step  
25 plan that shows that the student has committed or intends to

underscored material = new  
[bracketed material] = delete

1 commit in the near future to a four-year college or university,  
2 a two-year college, a trade or vocational program, an  
3 internship or apprenticeship, military service or a job;

4 (2) "interim next-step plan" means an annual  
5 next-step plan in which the student specifies post-high-school  
6 goals and sets forth the coursework that will allow the student  
7 to achieve those goals; and

8 (3) "next-step plan" means an annual personal  
9 written plan of studies developed by a student in a public  
10 school or other state-supported school or institution in  
11 consultation with the student's parent and school counselor or  
12 other school official charged with coursework planning for the  
13 student that includes one or more of the following:

14 (a) advanced placement or honors  
15 courses;

16 (b) dual-credit courses offered in  
17 cooperation with an institution of higher education; ~~and~~

18 (c) distance learning courses;

19 (d) career-technical courses; and

20 (e) pre-apprenticeship programs.

21 N. The secretary may establish a policy to provide  
22 for administrative interpretations to clarify curricular and  
23 testing provisions of the Public School Code."

24 Section 2. A new section of Chapter 22, Article 14 NMSA  
25 1978 is enacted to read:

.174149.1

1 "[NEW MATERIAL] PRE-APPRENTICESHIP PROGRAMS.--

2 A. As used in this section:

3 (1) "apprenticeable trade" means a skilled  
4 trade that possesses the following characteristics:

5 (a) it is customarily learned in a  
6 practical way through a structured, systematic program of on-  
7 the-job supervised training;

8 (b) it is clearly identified and  
9 commonly recognized throughout an industry;

10 (c) it involves manual, mechanical or  
11 technical skills and knowledge that require a minimum of two  
12 thousand hours of on-the-job work experience; and

13 (d) it requires related instruction to  
14 supplement on-the-job training;

15 (2) "apprenticeship" means a formal  
16 educational method for training a person in a skilled trade  
17 that combines supervised employment with classroom study;

18 (3) "course of instruction" means an organized  
19 and systematic program of study designed to provide the pre-  
20 apprentice with knowledge of the theoretical subjects related  
21 to one or more specific apprenticeable trades and that meets  
22 apprenticeship-related instruction requirements; provided that  
23 "course of instruction" may include hands-on training but does  
24 not include on-the-job training;

25 (4) "industry instructor" means a person who

.174149.1

1 is:

2 (a) working or has worked in an  
3 apprenticeable trade for the number of years required by  
4 established industry practices of the particular trade to be an  
5 industry-recognized expert in the trade; or

6 (b) a career-technical faculty member at  
7 a public post-secondary educational institution;

8 (5) "local school board" includes the  
9 governing body of a charter school;

10 (6) "pre-apprentice" means a public school  
11 student who is enrolled in a pre-apprenticeship program;

12 (7) "pre-apprenticeship program" means a local  
13 school board-approved course of instruction offered through a  
14 provider that results, upon satisfactory completion of the  
15 program, in a certificate of completion that is acceptable to  
16 an apprenticeship training program registered with the  
17 apprenticeship council or is otherwise acceptable to an  
18 apprenticeable trade; and

19 (8) "provider" means a registered  
20 apprenticeship program, an employer of an apprenticeable trade,  
21 a union, a trade association, a post-secondary educational  
22 institution or other person approved by the local school board  
23 to provide a pre-apprenticeship program.

24 B. Any school district or charter school may allow  
25 pre-apprenticeship programs to be offered to qualified eleventh

underscored material = new  
[bracketed material] = delete

1 and twelfth grade students. The local school board shall only  
2 approve providers and pre-apprenticeship programs, including  
3 courses of instruction and industry instructors, that meet  
4 apprenticeship requirements of the apprenticeship council or  
5 the apprenticeship requirements of an appropriate nationally  
6 recognized trade organization. Pre-apprenticeship programs  
7 shall meet department content and performance standards and  
8 shall be provided at no cost to students.

9 C. A person may apply to the local school board to  
10 become a provider by submitting an application in the form  
11 prescribed by the local school board. The application shall  
12 include:

13 (1) the pre-apprenticeship program to be  
14 offered by the provider, including the course of instruction  
15 and the provision of tools, supplies and textbooks that will be  
16 provided by the pre-apprenticeship program;

17 (2) a description of the way in which a pre-  
18 apprentice's coursework and program participation will be  
19 evaluated and reported as grades to the high school;

20 (3) a description of the qualifications for  
21 pre-apprentices, the way in which students will be recruited  
22 and accepted into the pre-apprenticeship program and the  
23 circumstances under which a pre-apprentice may be dismissed  
24 from the pre-apprenticeship program;

25 (4) the names and qualifications of the pre-

.174149.1

underscoring material = new  
[bracketed material] = delete

1 apprenticeship program's industry instructors;

2 (5) a description of the location where the  
3 pre-apprenticeship program will be conducted; and

4 (6) any other information the local school  
5 board deems necessary to determine the fitness of the applicant  
6 to deliver a pre-apprenticeship program and the appropriateness  
7 of the program in achieving school district or charter school  
8 goals.

9 D. In approving an application, the local school  
10 board shall include its approvals of the provider, the pre-  
11 apprenticeship program and the industry instructors. If a  
12 single applicant proposes to offer more than one pre-  
13 apprenticeship program, each program and its industry  
14 instructors shall be approved by the local school board.

15 E. Pre-apprenticeship programs shall be designed so  
16 that pre-apprentices may earn elective credits toward high  
17 school graduation and meet requirements for apprenticeship-  
18 related supplemental instruction or post-secondary education  
19 course credits. Pre-apprenticeship programs shall be offered  
20 during the school day whenever possible. Programs may be  
21 conducted at industry locations, including union halls or other  
22 industry training facilities; at existing school facilities, if  
23 available; or at any other location approved by the local  
24 school board.

25 F. To qualify for a pre-apprenticeship program, a

.174149.1

1 student must:

- 2 (1) be at least sixteen years of age;
- 3 (2) be in the eleventh or twelfth grade;
- 4 (3) have at least the number of electives  
5 required for the pre-apprenticeship program applied for and  
6 commit those electives to the program; and

7 (4) meet other requirements of the pre-  
8 apprenticeship program approved by the local school board.

9 G. Once a provider and pre-apprenticeship program  
10 have been approved, the provider shall recruit students and  
11 accept and retain or dismiss them as provided in the provider's  
12 approved application.

13 H. Once accepted into a pre-apprenticeship program,  
14 a student may withdraw only with the approval of the high  
15 school principal.

16 I. If a provider wishes to cease its pre-  
17 apprenticeship program, it shall notify the local school board,  
18 the superintendent and the principals of the pre-apprentices'  
19 high schools. The notification shall include a plan for the  
20 continuation of the pre-apprenticeship program of the pre-  
21 apprentices currently enrolled in the provider's program."

22 Section 3. A new section of Chapter 22, Article 14 NMSA  
23 1978 is enacted to read:

24 "[NEW MATERIAL] LICENSURE NOT REQUIRED--BACKGROUND  
25 CHECKS--SCHOOL-SPONSORED ACTIVITY AND VOLUNTEERS.--

.174149.1

